

HOUSE BILL 1534

M1, M4

01r2968

By: ~~Delegate Wells~~ **Delegates Wells, Attar, Boyce, Harrison, Healey, Holmes, Jalisi,
Lehman, Lierman, Love, Ruth, Stewart, and Terrasa**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2020

CHAPTER _____

1 AN ACT concerning

2 **Department of Agriculture – Urban Agriculture Grant Program**

3 FOR the purpose of establishing the Urban Agriculture Grant Program in the Department
4 of Agriculture; establishing an Urban Agriculture Grant Fund; establishing the
5 purpose of the Program and Fund; requiring the Secretary of Agriculture to
6 administer the Fund; requiring the State Treasurer to hold the Fund and the
7 Comptroller to account for the Fund; specifying the contents of the Fund; requiring
8 the Fund to be used to provide certain grants under certain circumstances;
9 establishing certain qualifications for certain nonprofit organizations to receive a
10 certain grant under the Program; requiring certain grant recipients to report certain
11 information to the Department; ~~authorizing~~ requiring the Department to adopt
12 certain regulations to administer the Fund; requiring the establishment of a certain
13 Review Board; requiring the Board to provide grants from money available in the
14 Fund; authorizing the Department to appoint certain members to the Board;
15 requiring the Board to include certain representatives; requiring a certain
16 percentage of certain grant amounts to have certain purposes; requiring certain
17 grants to have a certain measurable impact; ~~requiring a certain minimum amount~~
18 of the State's share of the proceeds of Program Open Space to be appropriated in the
19 State budget authorizing certain abandoned property funds to be distributed in
20 certain fiscal years to the Fund; authorizing the Department to adopt certain
21 regulations; defining certain terms; and generally relating to the Urban Agriculture
22 Grant Program in the Department of Agriculture.

23 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Agriculture
 2 Section 2–2001 through 2–2005 to be under the new subtitle “Subtitle 20. Urban
 3 Agriculture Grant Program”
 4 Annotated Code of Maryland
 5 (2016 Replacement Volume and 2019 Supplement)

6 BY repealing and reenacting, with amendments,
 7 ~~Article – Natural Resources~~
 8 ~~Section 5–903(a)~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2018 Replacement Volume and 2019 Supplement)~~
 11 Article – Commercial Law
 12 Section 17–317
 13 Annotated Code of Maryland
 14 (2013 Replacement Volume and 2019 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 16 That the Laws of Maryland read as follows:

17 **Article – Agriculture**

18 **SUBTITLE 20. URBAN AGRICULTURE GRANT PROGRAM.**

19 **2–2001.**

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 21 INDICATED.

22 (B) “FARM PRODUCT” MEANS:

23 (1) ANY AGRICULTURAL, HORTICULTURAL, VEGETABLE, OR FRUIT
 24 PRODUCT OF THE SOIL, WHETHER RAW, CANNED, FROZEN, DRIED, PICKLED, OR
 25 OTHERWISE PROCESSED;

26 (2) LIVESTOCK, MEATS, MARINE FOOD PRODUCTS, POULTRY, EGGS,
 27 DAIRY PRODUCTS;

28 (3) WOOL, HIDES, FEATHERS, NUTS, HONEY; AND

29 (4) EVERY PRODUCT OF FARM, FOREST, ORCHARD, GARDEN, OR
 30 WATER.

31 ~~(B)~~ (C) “FUND” MEANS THE URBAN AGRICULTURE GRANT FUND.

32 ~~(C)~~ (D) “PROGRAM” MEANS THE URBAN AGRICULTURE GRANT
 33 PROGRAM.

1 **(E) “URBAN AGRICULTURAL PRODUCER” MEANS ANY PERSON THAT**
2 **ANNUALLY SELLS, OR NORMALLY WOULD HAVE SOLD, \$1,000 OR MORE OF FARM**
3 **PRODUCTS IN BALTIMORE CITY.**

4 **2-2002.**

5 **(A) THERE IS AN URBAN AGRICULTURE GRANT PROGRAM IN THE**
6 **DEPARTMENT.**

7 **(B) THE PURPOSE OF THE PROGRAM IS TO INCREASE THE VIABILITY OF**
8 **URBAN FARMING AND IMPROVE ACCESS TO URBAN-GROWN FOODS.**

9 **2-2003.**

10 **(A) THERE IS AN URBAN AGRICULTURE GRANT FUND.**

11 **(B) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO NONPROFIT**
12 **ORGANIZATIONS IN BALTIMORE CITY TO IMPLEMENT THE PROGRAM.**

13 **(C) THE SECRETARY SHALL ADMINISTER THE FUND.**

14 **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
15 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

16 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
17 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

18 **(E) THE FUND CONSISTS OF:**

19 **(1) ~~MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND~~**
20 **~~FROM THE STATE'S SHARE OF PROGRAM OPEN SPACE FUNDS IN ACCORDANCE WITH~~**
21 **~~§ 5-903(A) OF THE NATURAL RESOURCES ARTICLE~~ DISTRIBUTED TO THE FUND**
22 **UNDER § 17-317 OF THE COMMERCIAL LAW ARTICLE; AND**

23 **(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
24 **THE BENEFIT OF THE FUND.**

25 **(F) IN ACCORDANCE WITH THIS SUBSECTION, THE FUND SHALL BE USED TO**
26 **PROVIDE GRANTS TO NONPROFIT ORGANIZATIONS THAT:**

27 **(1) MEET THE QUALIFICATIONS ESTABLISHED IN § 2-2004 OF THIS**
28 **SUBTITLE; AND**

1 **(2) DISTRIBUTE THE GRANT MONEY TO URBAN AGRICULTURAL**
2 **PRODUCERS IN ACCORDANCE WITH THIS SUBTITLE.**

3 **(G) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS, SUBJECT TO**
4 **THE AVAILABILITY OF MONEY IN THE FUND, TO PROVIDE GRANTS UNDER THE FUND.**

5 **(2) THE REGULATIONS SHALL:**

6 **(I) ESTABLISH A REVIEW BOARD TO IMPLEMENT:**

7 **1. A COMPETITIVE GRANT APPLICATION PROCESS THAT**
8 **PRIORITIZES APPLICATIONS THAT WILL ACCOMPLISH THE GOALS OF THE URBAN**
9 **AGRICULTURE SECTION OF THE 2019 BALTIMORE SUSTAINABILITY PLAN;**

10 **2. A SYSTEM TO FAIRLY:**

11 **A. EVALUATE EACH GRANT APPLICATION; AND**

12 **B. AWARD GRANTS FROM MONEY AVAILABLE IN THE**
13 **FUND; AND**

14 **3. A GRANT AGREEMENT TO BE USED BY THE REVIEW**
15 **BOARD AND GRANT RECIPIENTS;**

16 **(II) REQUIRE THE REVIEW BOARD TO INCLUDE MEMBERS**
17 **REPRESENTING:**

18 **1. THE BALTIMORE OFFICE OF SUSTAINABILITY;**

19 **2. THE BALTIMORE DEVELOPMENT CORPORATION;**

20 **AND**

21 **3. THE DEPARTMENT OF PLANNING;**

22 **(III) 1. REQUIRE THAT MORE THAN 75% OF THE REVIEW**
23 **BOARD MEMBERS BE COMPRISED OF STAFF REPRESENTING AN AGENCY OF**
24 **BALTIMORE CITY; AND**

25 **2. REQUIRE THE REMAINDER OF THE REVIEW BOARD**
26 **MEMBERS TO BE APPOINTED BY THE DEPARTMENT, BASED ON THE MEMBER'S**
27 **ABILITY TO HELP ACHIEVE THE PURPOSE OF THE PROGRAM UNDER § 2-2002(B) OF**
28 **THIS SUBTITLE;**

1 **(IV) REQUIRE GRANT RECIPIENTS TO DISTRIBUTE AT LEAST**
2 **70% OF THE AMOUNT OF THE GRANT TO URBAN AGRICULTURAL PRODUCERS TO:**

3 **1. SECURE REAL PROPERTY;**

4 **2. MAINTAIN SAFE, ENVIRONMENTALLY SUSTAINABLE,**
5 **AND SOCIALLY RESPONSIBLE PRACTICES; AND**

6 **3. SUPPORT VIABLE URBAN AGRICULTURE**
7 **ENTERPRISES;**

8 **(V) REQUIRE THAT GRANT APPLICATIONS DEMONSTRATE A**
9 **MEASURABLE IMPACT ON IMPROVING LOCAL FOOD ACCESS OR OTHER COMMUNITY**
10 **BENEFITS;**

11 **(VI) REQUIRE AT LEAST 70% OF THE AMOUNT OF EACH GRANT**
12 **TO BE DISTRIBUTED TO MINORITY-OWNED OR OPERATED URBAN AGRICULTURAL**
13 **PRODUCERS; AND**

14 **(VII) PROHIBIT GRANT RECIPIENTS FROM USING MORE THAN**
15 **30% OF THE AMOUNT OF THE GRANT FOR OPERATING EXPENSES.**

16 **(H) ON OR BEFORE OCTOBER 15 EACH YEAR, BEGINNING IN 2022 AND EACH**
17 **YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE**
18 **GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT**
19 **ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE**
20 **APPROPRIATIONS COMMITTEE ON THE EFFECTIVENESS OF THE FUNDING**
21 **PROVIDED UNDER THIS SECTION.**

22 **2-2004.**

23 **(A) A NONPROFIT ORGANIZATION IS QUALIFIED TO RECEIVE A GRANT IN**
24 **ACCORDANCE WITH THIS SUBTITLE IF THE DEPARTMENT DETERMINES THAT THE**
25 **NONPROFIT ORGANIZATION:**

26 **(1) ~~IS LOCATED~~ IS INCORPORATED OR MAINTAINS ITS PRINCIPAL**
27 **PLACE OF BUSINESS IN BALTIMORE CITY; AND**

28 **(2) WORKS TO INCREASE THE VIABILITY OF URBAN FARMING AND**
29 **IMPROVE ACCESS TO URBAN-GROWN FOODS.**

30 **(B) WITHIN 90 DAYS AFTER THE END OF A GRANT CYCLE, A QUALIFIED**
31 **NONPROFIT ORGANIZATION THAT RECEIVED A GRANT IN ACCORDANCE WITH THIS**

1 SUBTITLE SHALL SUBMIT A REPORT TO THE DEPARTMENT THAT INCLUDES THE
2 FOLLOWING INFORMATION:

3 (1) THE NAMES AND LOCATIONS OF URBAN AGRICULTURAL
4 PRODUCERS THAT RECEIVED FUNDS UNDER THE PROGRAM;

5 (2) THE DOLLAR AMOUNT OF FUNDS AWARDED TO EACH URBAN
6 AGRICULTURAL PRODUCER; AND

7 (3) THE IMPACT OF THE PROGRAM ON INCREASING THE VIABILITY OF
8 URBAN FARMING AND IMPROVING ACCESS TO URBAN-GROWN FOODS.

9 2-2005.

10 ~~THE~~ EXCEPT AS PROVIDED IN § 2-2003(G) OF THIS SUBTITLE, THE
11 DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

12 ~~Article Natural Resources~~

13 ~~5-903.~~

14 (a) (1) (i) ~~Of the funds distributed to Program Open Space under § 13-209~~
15 ~~of the Tax Property Article, up to \$3,000,000 may be transferred by an appropriation in~~
16 ~~the State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the~~
17 ~~State Finance and Procurement Article, to the Maryland Heritage Areas Authority~~
18 ~~Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions Article~~
19 ~~to be used for the purposes provided in that subtitle.~~

20 (ii) ~~Of the amount transferred under subparagraph (i) of this~~
21 ~~paragraph, up to \$300,000 may be distributed to the Maryland Historical Trust within the~~
22 ~~Department of Planning to be awarded as noncapital historic preservation grants.~~

23 (2) (i) ~~1. Of the remaining funds not appropriated under paragraph~~
24 ~~(1) of this subsection:~~

25 ~~A. One half of the funds shall be used for recreation and open~~
26 ~~space purposes by the Department and the Historic St. Mary's City Commission; and~~

27 ~~B. 20% of the funds or \$21,000,000, whichever is greater,~~
28 ~~shall be appropriated to the Forest and Park Service in the Department to operate State~~
29 ~~forests and parks.~~

30 ~~2. Except as otherwise provided in this section, any funds the~~
31 ~~General Assembly appropriates to the State under this subsection shall be used only for~~
32 ~~land acquisition projects.~~

1 (ii) ~~1. As specified in subsubparagraph 2 of this subparagraph, a~~
2 ~~portion of the State's share of funds available under subparagraph (i)1A of this paragraph~~
3 ~~for this program shall be utilized to make grants to Baltimore City for projects which meet~~
4 ~~park purposes. The grants shall be in addition to any funds Baltimore City is eligible to~~
5 ~~receive under subsection (b) of this section, and may be used for acquisition or development.~~
6 ~~In order for Baltimore City to be eligible for a State grant, the Department shall review~~
7 ~~projects or land to be acquired within Baltimore City, and upon the Department's~~
8 ~~recommendation, the Board of Public Works may approve projects and land including the~~
9 ~~cost. Title to the land shall be in the name of the Mayor and City Council of Baltimore City.~~
10 ~~The State is not responsible for costs involved in the development or maintenance of the~~
11 ~~land.~~

12 ~~2. The grants to Baltimore City under subsubparagraph 1 of~~
13 ~~this subparagraph shall be made in the following amounts:~~

14 ~~A. For fiscal year 2017, \$1,500,000;~~

15 ~~B. For fiscal year 2018, \$3,500,000;~~

16 ~~C. For fiscal year 2019, \$5,500,000; and~~

17 ~~D. For fiscal year 2020, and for each subsequent fiscal year,~~
18 ~~\$6,000,000.~~

19 ~~3. The grants made under this subparagraph supplement~~
20 ~~rather than supplant any other funding for park purposes in Baltimore City, no matter the~~
21 ~~source.~~

22 ~~4. For fiscal year 2018, the grant funds to Baltimore City in~~
23 ~~excess of \$1,500,000 under subsubparagraph 1 of this subparagraph may only be used for~~
24 ~~capital purposes related to the following projects in the amounts specified:~~

25 ~~A. \$400,000 for Herring Run Park;~~

26 ~~B. \$500,000 for Clifton Park;~~

27 ~~C. \$300,000 for Druid Hill Park Trail Head;~~

28 ~~D. \$300,000 for athletic field renovations at Gwynns Falls~~
29 ~~Park;~~

30 ~~E. \$300,000 for Patterson Park; and~~

31 ~~F. \$200,000 for field lights and other improvements at~~
32 ~~Frederic B. Leidig Recreation Center.~~

~~5. For fiscal year 2019, a portion of the grant funds to Baltimore City in excess of \$1,500,000 under subparagraph 1 of this subparagraph may only be used for capital purposes related to the following projects in the amounts specified:~~

~~A. \$100,000 for Herring Run Park;~~

~~B. \$100,000 for Clifton Park; and~~

~~C. \$100,000 for field lights and other improvements at Frederic B. Leidig Recreation Center.~~

~~(iii) 1. A portion of the State's share of funds available under subparagraph (i)1A of this paragraph for this program not to exceed \$8,000,000 for each fiscal year may be transferred by an appropriation in the State budget to the Rural Legacy Program under Subtitle 9A of this title.~~

~~2. In each fiscal year, up to \$2 million of the funds transferred under this subparagraph to the Rural Legacy Program may be used to purchase zero coupon bonds for easements.~~

~~3. Sums allocated to the Rural Legacy Program may not revert to the General Fund of the State.~~

~~(iv) In addition to the \$3,000,000 under subsection (a)(1)(i) of this section that may be transferred to the Maryland Heritage Areas Authority Financing Fund, up to \$3,000,000 of the State's share of funds available under subparagraph (i)1A of this paragraph may be transferred by an appropriation in the State budget or by an amendment to the State budget under Title 7, Subtitle 2 of the State Finance and Procurement Article to the Maryland Heritage Areas Authority Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions Article to be used for the purposes provided in that subtitle.~~

~~(v) The Department may acquire real property under subparagraph (i)1A of this paragraph based on an offer by the State that is less than the lowest approved appraisal for the property.~~

~~(vi) For each of fiscal years 2010 through 2015, \$1,217,000 of the State's share of funds available under subparagraph (i)1A of this paragraph may be appropriated in the budgets of the Department, the Department of General Services, and the Department of Planning for expenses necessary to administer this Program.~~

~~(vii) FOR EACH OF FISCAL YEARS 2022 AND 2025, AT LEAST \$400,000 OF THE STATE'S SHARE OF FUNDS AVAILABLE UNDER SUBPARAGRAPH (i)1A OF THIS PARAGRAPH SHALL BE APPROPRIATED IN THE STATE BUDGET TO THE URBAN AGRICULTURE GRANT FUND ESTABLISHED UNDER TITLE 2, SUBTITLE 20 OF THE AGRICULTURE ARTICLE.~~

Article – Commercial Law

17–317.

(a) (1) All funds received under this title, including the proceeds of the sale of abandoned property under § 17–316 of this subtitle, shall be credited by the Administrator to a special fund. The Administrator shall retain in the special fund at the end of each fiscal year, from the proceeds received, an amount not to exceed \$50,000, from which sum the Administrator shall pay any claim allowed under this title.

(2) After deducting all costs incurred in administering this title from the remaining net funds, the Administrator:

(I) shall distribute \$2,000,000 to the Maryland Legal Services Corporation Fund established under § 11–402 of the Human Services Article; AND

(II) MAY DISTRIBUTE UP TO \$400,000 TO THE URBAN AGRICULTURE GRANT FUND ESTABLISHED UNDER § 2–2003 OF THE AGRICULTURE ARTICLE, FOR EACH OF FISCAL YEARS 2022 THROUGH 2025.

(3) (i) Subject to subparagraph (ii) of this paragraph, the Administrator shall distribute all unclaimed money from judgments of restitution under Title 11, Subtitle 6 of the Criminal Procedure Article to the State Victims of Crime Fund established under § 11–916 of the Criminal Procedure Article to assist victims of crimes and delinquent acts to protect the victims’ rights as provided by law.

(ii) If a victim entitled to restitution that has been treated as abandoned property under § 11–614 of the Criminal Procedure Article is located after the money has been distributed under this paragraph, the Administrator shall reduce the next distribution to the State Victims of Crime Fund by the amount recovered by the victim.

(4) After making the distributions required under paragraphs (2) and (3) of this subsection, the Administrator shall distribute the remaining net funds not retained under paragraph (1) of this subsection to the General Fund of the State.

(b) Before making the distribution, the Administrator shall record the name and last known address, if any, of the owners of funds so distributed and the type of property which the funds distributed represent. The record shall be available for public inspection during reasonable business hours by any person who claims a legal interest in any property held by the Administrator, provided that the person gives prior notice to the Administrator.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.